

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

Gwendolyn Black,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:10-cv-01617-JOF
UnitedHealth Group Incorporated, et	:	
al.,	:	
	:	
Defendants.	:	

**OPINION & ORDER**

This matter is before the court on Defendants' motion to amend answer [9].

Defendants state in their motion that they wish to withdraw two affirmative defenses that had been raised in their initial answer: (1) the defense of failure of consideration and (2) the defenses of ratification, consent, acquiescence, waiver, and release.

Under *Foman v. Davis*, 371 U.S. 178, 182 (1962), leave to amend should be freely granted unless there is some evidence of (1) undue delay, bad faith, dilatory motive, or repeated failure to cure deficiencies by amendments previously allowed; (2) where allowing amendment would cause undue prejudice to the opposing party; or (3) where amendment would be futile. See *Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001).

Plaintiff has not responded to Defendants' motion indicating there is no opposition. For good cause shown, the court GRANTS Defendants' motion to amend answer [9]. The

Clerk of the Court is DIRECTED to file Defendants' amended answer as of the date of this order.

**IT IS SO ORDERED** this 7<sup>th</sup> day of January 2011.

/s/ J. Owen Forrester  
J. OWEN FORRESTER  
SENIOR UNITED STATES DISTRICT JUDGE